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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,359	09/04/2003	Jerry D. Coombs	31118-US-03	7837
5179	7590	04/07/2006	EXAMINER	
PEACOCK MYERS, P.C. 201 THIRD STREET, N.W. SUITE 1340 ALBUQUERQUE, NM 87102			MANAF, ABDUL	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,359	COOMBS ET AL.	
	Examiner	Art Unit	
	Abdul Manaf	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 7 and 9-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/04/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by the U.S. Patent No. 4,967,528 to Doran.

In regard to claim 1, Doran discloses an insulating concrete from comprising first and second substantially opposing panels (Fig. 7: 12, 14), each panel having a top surface, bottom surface, first end surface, second end surface, and exterior surface defining a wall and an interior surface (see Figs. 1, 2, 7) with a first end surface and second end surface of the first panel and second panel having both a tongue and groove, disposed such that on the first end surface of the first panel (12) the tongue (26) is proximal the exterior surface and the groove (28) proximal the interior surface, on the second end surface of the first panel the groove (22) is proximal the exterior surface and the tongue (20) proximal the interior surface, on the first end surface of the second panel the groove is proximal the exterior surface and the tongue proximal the interior surface, on the panel (14) the groove (28) is proximal the interior surface and the tongue (26) is proximal the interior surface, on the second end surface of the second panel the tongue (20) is proximal the exterior surface and the groove proximal the

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interior surface, the panels disposed such that the first end surface of the first panel opposes the first end surface of the second panel and the second end surface of the first panel opposes the second end surface of the second panel; and at least two ties (Fig. 2: 34) interconnecting the first panel and the second panel (column 1, lines 47-48) whereby two or more forms may be horizontally positioned and interlocked to form a planar surface by means of a joint formed by a tongue and a groove (Fig. 2; column 3, lines 51-53), the forms being reversibly connectable (column 1, lines 45-47).

In regard to claim 2, Doran discloses an insulating concrete from comprising a first and a second panel having a tongue 18 or groove 32, and the bottom surface of the first and a second panel having the complementary tongue or groove whereby two or more forms may be vertically stacked and interlocked (column 5, lines 2-5) to form a planar surface by means of a joint formed by a single tongue on each panel of one form intersecting with a single groove on each panel of another form.

In regard to claim 3, Doran discloses an insulating concrete from comprising a panel comprising a polymeric (polystyrene) material (column 3, lines 62-67).

In regard to claim 4, Doran discloses an insulating concrete from comprising a first panel and a second panel wherein exterior surface of each panel forms a single plane (Figs. 1, 7; Abstract).

In regard to claim 5, Doran discloses an insulating concrete from wherein the exterior surface of a panel forms two planes (in the instant case groove 44), the two planes intersecting at an angle (see Fig. 2).

In regard to claim 6, Doran discloses an insulating concrete from wherein the angle is a right angle (See Fig. 2).

In regard to claim 8, Doran discloses an insulating concrete from comprising a welded wire tie (column 3, lines 29-31).

Allowable Subject Matter

Claims 7, 9 – 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Manaf whose telephone number is 571-272-1476. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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